

AMENDMENT UNDER 37 C.F.R. §1.111
U.S. Application No. 10/780,745

Q79863

AMENDMENTS TO THE DRAWINGS

In FIGS. 1-3, the label "PRIOR ART" has been added.

Attachment: Two (2) Replacement Sheets

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1, 2, 4 and 11-15 are all the claims pending in the application, as claims 11-15 are hereby added, and claims 3 and 5-10 are hereby canceled without prejudice or disclaimer. Applicant respectfully submits that the pending claims define patentable subject matter.

The Examiner objects to FIGS. 1-3 for minor informalities. Applicant herein submits replacement drawings for FIGS. 1-3, and respectfully requests that the Examiner withdraw the objection.

The Examiner objects to the claims for various informalities. The informalities noted by the Examiner have been corrected, and thus Applicant respectfully requests that the Examiner withdraw the objection.

The Examiner rejects claim 2 under 35 U.S.C. § 112, second paragraph, for being indefinite. Applicant herein amends claim 2, and respectfully requests that the Examiner reconsider and withdraw the rejection.

Claims 1-3, 5 and 7-10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Morris et al. (U.S. Pat. App. Pub. No. 2004/0203430; hereinafter "Morris"). Applicant respectfully traverses this rejection.

Independent claim 1 recites:

wherein positions for subtracting the scaled reference function from each of the elementary functions and the scaling of the reference function are given respectively by a position of a maximum and an amplitude at the maximum of the corresponding

elementary functions, such that the position of the maximum of each of the elementary functions and the corresponding amplitude at the maximum of each of the elementary functions provide locations and amplitudes for the soft-clipping of the portion of the signal.

Thus, independent claim 1 requires, *inter alia*, a position of a maximum and an amplitude at the maximum of the corresponding elementary functions.

On the other hand, Morris discloses a peak detector 542 which only detects a signal peak having a magnitude that exceeds a certain threshold.¹ Specifically, Morris discloses a circuit which detects peak signal values and applies a scaling function to reduce the signal peaks. An input signal is input into the peak detector 542. If the magnitude of a signal peak exceeds a certain threshold, the peak detector 542 outputs the magnitude of the signal peak to the scaling function unit 544.² The scaling function unit 544 then determines the amount of scaling needed. The scaling function is purely a function of the signal peak value.³

However, Morris fails to teach or suggest using the position of the peak signal. Indeed Morris is completely silent on any utilization of the position of the peak signal in any manner whatsoever. In other words, Morris fails to disclose or suggest the above-noted features of claim

¹ See Morris, paragraph [0007] and FIG. 5b.

² See Morris, paragraph [0042] and FIG. 5b.

³ See Morris, paragraphs [0042] and [0043].

1, since Morris fails to disclose or suggest anything related to an amplitude and a position of a maximum value.

Accordingly, Applicant submits that independent claim 1 is patentable over Morris for at least these reasons. Further, Applicant submits that dependent claim 2 is patentable over Morris, at least by virtue of its dependency on claim 1.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Morris in view of Lipka. Applicant respectfully traverses this rejection.

Applicant submits that Lipka fails to cure the deficiency of Morris noted above regarding independent claim 1. Further, Applicant submits that neither reference, either alone or in combination, teaches or suggests all of the above-noted features of claim 1. Therefore, Applicant submits that dependent claim 4 is patentable over the applied references, at least by virtue of its dependency on claim 1.

Similarly, Applicant submits that new claims 11-15 are patentable over the prior art of record for reasons analogous to those stated above regarding independent claim 1.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER

/Kelly G. Hyndman 39,234/
Kelly G. Hyndman
Registration No. 39,234

Date: April 20, 2007